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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,877	10/11/2001	Wako Iwamura	0229-0666P	7076

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EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,877

Applicant(s)

IWAMURA, WAKO

Examiner

Steven D. Maki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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1) Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) **Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanus (US 3598165).**

Hanus discloses a pneumatic tire comprising a tread, a pair of sidewalls, a pair of beads and a radial carcass ply 1. In figure 2, the carcass ply 1 is turned around the bead, contacts itself in a region between a "first radial height" and a "second radial height" and then separates to form a "separating part". The maximum section width of the tire (the neutral plane G-G) lies between the first radial height and the second radial height. The "separating part" of the carcass 1 is spaced from a "carcass main" of the carcass 1 to define an annular zone 8, 9. The rubber located in the annular zone has a hardness at least equal that of rubber in the adjacent regions of the tire. At col. 2 lines

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15-16, Hanus states" the hardness of said rubber or rubberlike composition accommodated by each annular zone lies between 50° and 90° Shore".

As to claims 1 and 6, the claimed tire is anticipated by the tire of Hanus. The claimed wing rubber having a JIS-A hardness of 45-60 degrees reads on the annular zone rubber having a hardness of 50-90 degrees Shore A.

5) Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanus (US 3598165).

Hanus, which is discussed above, is considered to anticipate claims 1 and 6. In any event: As to claims 1 and 6, it would have been obvious to provide the annular zone rubber 8, 9 with a JIS-A hardness of 45-60 degrees in view of Hanus' teaching that the annular zone rubber may have a hardness of 50-90 degrees Shore A - the lower portion of Hanus' hardness range falling within or substantially overlapping the claimed hardness range. As to claim 2, it would have been obvious to provide the length of the separating point as 1-15 mm depending on the desired reduction of deformation of rubber in the vicinity of the carcass and the edges of the breaker and the desired tire size in view of Hanus' teachings at col. 1 line 50+ (the extent and distance(s) described therein affecting the size of the annular zone).

6) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanus (US 3598165) in view of Europe '340 (EP 962340).

As to claim 7, it would have been obvious to one of ordinary skill in the art to provide the sidewall of Hanus with the claimed sidewall structure and properties (sidewall rubber of hardness 45-65 spliced with lower sidewall rubber of hardness

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65-95, the sidewall rubber forming rim protector, and the boundary inclining radially inward) in view of Europe '340's teaching to provide a sidewall with soft rubber 3G and lower sidewall hard rubber 4G as shown in figure 4, 5 or 6) so that the tire may have a low aspect ratio and improved durability.

Allowable Subject Matter

7) Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The prior art of record (including Takayanagi (US 4006766) and Japan '703 (JP 60-47703) fails to suggest extending the annular zone rubber of Hanus (US 3598165) to the tire outer surface. The remaining references are of interest.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
May 20, 2003


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
A 1733
5-20-03